

ASSEMBLY BILL

No. 2564

Introduced by Assembly Member Strickland

February 24, 2000

An act to amend Section 44091.1 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2564, as introduced, Strickland. Smog abatement fee.

Existing law imposes an annual smog abatement fee of \$4 for any motor vehicle that is 4 or less model-years old. Existing law provides for revenues collected from this fee to be deposited in the Vehicle Inspection and Repair Fund. Existing law also imposes a \$300 smog impact fee upon the registration of a vehicle that was previously registered outside the state. Existing law provides that if the smog impact fee is ruled unconstitutional by an appellate court or the California Supreme Court, the smog abatement fee shall be increased to \$6 until January 1, 2005, except as specified, and that the additional \$2 revenue shall be deposited in the High Polluter Repair or Removal Account. The 3rd District Court of Appeal ruled the smog impact fee unconstitutional on October 1, 1999, and as a result, the smog abatement fee was increased to \$6.

This bill would eliminate the smog abatement fee increase but would provide that \$2 of the fee shall be deposited in the High Polluter Repair or Removal Account and \$2 shall be deposited in the Vehicle Inspection and Repair Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44091.1 of the Health and Safety
2 Code is amended to read:
3 44091.1. ~~On or after July 1, 1998, in~~ *In* the event that
4 the smog impact fee imposed pursuant to Section 6262 of
5 the Revenue and Taxation Code is ruled unconstitutional
6 by an appellate court or the California Supreme Court, or
7 if the state is in any manner prevented by either of these
8 courts from imposing or collecting the fee, all of the
9 following actions shall immediately take place:
10 (a) ~~The revenue from the fee specified in paragraph~~
11 ~~(1) of subdivision (d) of Section 44060 shall be six dollars~~
12 ~~(\$6). The revenues from that fee shall be allocated as~~
13 ~~follows:~~
14 (1) Except as provided for in paragraph (2), the
15 revenue generated by two dollars (\$2) of the fee shall be
16 deposited in the account created by Section 44091, while
17 the revenue generated by the remaining ~~four~~ two dollars
18 ~~—(\$4)~~ (\$2) shall continue to be deposited in the Vehicle
19 Inspection and Repair Fund.
20 (2) All revenue generated by the fee imposed at first
21 registration of a motor vehicle exempted under
22 paragraph (4) of subdivision (a) of Section 44011 shall be
23 deposited in the account created by Section 44091.
24 (b) (1) Except as specified in paragraph (2), this
25 section shall remain in effect only until January 1, 2005,
26 and as of that date shall become inoperative, unless a later
27 enacted statute, that is enacted before June 30, 2004,
28 deletes or extends that date.
29 (2) With respect to motor vehicles registered in the
30 south coast district, this section shall remain in effect until
31 January 1, 2010, and as of that date is repealed, unless a
32 later enacted statute, that is enacted before June 30, 2009,
33 deletes or extends that date.

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